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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,053	08/06/2003	Frank Martinez	6542/53775	1344
30505	7590	01/10/2008		
Law Office of Mark J. Spolyar 38 Fountain Street San Francisco, CA 94114			EXAMINER OMOSEWO, OLUBUSOLA	
			ART UNIT 2168	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/635,053

Applicant(s)

MARTINEZ ET AL.

Examiner

OLUBUSOLA OMOSEWO

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 33-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**Detailed Action**

1. This action is responsive to communication: Amendment, filed on: 10/18/2007.
2. Claims 33 and 36 have been amended. Claims 39-40 are new.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 40 recites the limitation "the data repository node of claim 36" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for

patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 33-40 rejected under 35 U.S.C. 102(e) as being anticipated by Zoltan et al. (Patent No U.S 6,938,031) hereinafter "Zoltan".

For claim 33, Zoltan teaches "a data repository node"(fig. 1, node101a), comprising "an interface operative to communicate with client nodes and at least one other distributed data repository node over a computer network (Col. 6, lines 51-Col. 7, lines 21 & fig. 1), and a mapping module (Col. 13, lines 24-25, processor 406) comprising a content map (Col. 16, lines 65-Col. 17, lines 10 & FIG. 5, data table 420) and at least one index map corresponding to an attribute (Col.18, lines 31-49 & fig. 7, change table 418 as index map corresponding to time stamp as an attribute); wherein the mapping module is operative to receive a request to insert a record from a first client node (Col. 13, lines 40-44, receiving a request to add a row) generate a unique identifiers in response to the record insertion request(Col. 15, lines 10-15, a row identifier as unique identifier is generated for the added row) transmit the unique identifier to the client node(Col. 15, lines 14-21)

receive an insertion message including the unique identifier at least one record attribute value (Col. 18, lines 37-55)

store the at least one record attribute value associated with the insertion message in a corresponding index map in association with the unique identifier (Col. 18, lines 37-Col. 19, lines 1, a change made to the information is stored as an entry of change table 418, wherein table entries 704 represent the entries in the data table 420 that have been added. Thus, a table entry of change table 418 or corresponding index includes attribute values such as names, addresses and phone numbers of customers, however, row identifier 706 identifies associated with the row being added may be stored in table 418);

receive record chunks of a data stream corresponding to the unique identifier from the client node (Col. 13, lines 40-44, request to add or delete rows into or from a table, are received at node 101a. The client nodes that request is implied in the teachings) store the record chunks in the content map in association with the unique identifier (Col. 13, lines 42-44, processor 406 stores the row as requested in data store 404 that contains data table 420 as content map. Col. 15, lines 10-19 include a row identifier as unique identifier is generated for the added row)

receive a query from a second client node, wherein the record satisfies the query (Col. 6, lines 21-50)

provide to the second client node the record chunks associated with the unique identifier corresponding to the record (Col. 15, lines 10-30, Col 17, lines 10-29)

stream addition record chunks of the data stream to the second client node as they are received from the first client node(Col. 15, lines 10-30, Col. 17, lines 10-29)

For claim 34 Zoltan teaches "wherein the mapping module is further operative to synchronize the record attribute values in the at least one index map with record attribute value of least one index map maintained by the at least one other distributed data repository nodes"(Col.14, lines 15-19)

For claim 35, Zoltan teaches "wherein the mapping engine is further operative to transmit the record chunks to at least one other data repository node for replication" (Col. 19, lines 1-8)

For claim 36, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 33 and is similarly rejected.

For claim 37, Zoltan teaches "wherein each distributed data repository node is further operative to transmit the record chunks to at least one other data repository node for replication" (Col. 19, lines 1-8)

For claim 38, Zoltan teaches "wherein each distributed data repository node is

further operative to request and receive from at least one other distributed data repository node record chunks that match a query received from a client node" (Col. 3, lines 46-63)

For claim 39, Zoltan teaches "wherein each distributed data repository node is further operative to transmit notifications to other distributed data repository node to reserving the unique identifier" (Col. 15, lines 23-30, Col. 17, lines 10-29)

For claim 40, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 39 and is similarly rejected.

### **Response to Arguments**

8. Applicant's argument filed October 18, 2007 has been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Applicant argued that Zoltan's data table been equivalent to content map and change table been equivalent to index map is incorrect, because Zoltan's change table and data table stores the same information while applicant's content map and index map stores different information. On the contrary, change table is equivalent to the index map and at Col. 18, lines 37-55, a change made to information is stored as an entry change table 418, wherein the table entries 704 represent the entries in data table 420 that have been added. Thus, a table entry of change table 418 or corresponding index map

includes attributes values such as names, addresses and phone numbers of customers. While the data table is equivalent to the content map and at Col. 13, lines 40-44, processor 406 receives a request to add or delete rows into or from a table. At Col. 13, lines 42-44; processor 406 stores the row as requested in data store 404 that contains data table 420 as content map. As further disclosed at Col. 15, lines 10-15, a row identifier as unique identifier is generated for the added row.

However, the change table (*index map*) stores information which have changed in the data table, and this information is different from the information stored in the data table. However, the information is not same as argued by the applicant.

While the applicant argued that Zoltan's row identifier is not provided to a client node. On the contrary Zoltan's row identifier is equivalent to the unique identifier (Zoltan teaches that if a row is added to a table, the processor 406 may generate a new row identifier for that row [Col. 15, lines 10-15]). However, Zoltan also teaches requests to add or delete rows into or from a table, are received at node 101a (Col.13, lines 40-44, Col. 15, lines 15-30).

However, applicant's argument regarding the record insertion message and record chunks is addressed below: Applicant's argument on a record insertion message results in the creation of an entry in an index map including record attribute values, is taught by Zoltan in Col. 18, lines 37-55, a change made to the information is stored as an entry of change table 418, wherein table entries 704 represent the entries in data table that have been added. Thus, a table entry of change table 418 or corresponding index map includes attributes values such as name, addresses and phone numbers of customers.



while applicant's argument of record chunks of data stream are stored in a content map is taught by Zoltan Col. 13, lines 42, processor 406 stores the row as requested in data store 404 that contains data table 420 as content map. However, Col. 15, lines 10-15, a row identifier as unique identifier is generated for the added row, however different passages are relied upon for both teachings.

Applicant also argued that Zoltan does not teach a system that streams additional record chunks to a second client node. on the contrary Zoltan teaches at Col. 17, lines 10-29, wherein row identifiers 504 identify the rows of information in data section 502, wherein each row identifier uniquely identifies a row in a database 112. However, if a row was added to a data table 420 in one database 112, the replication agent 416 in the other database will add a new row to the table 420 in the other database 112. Therefore, added rows are different from changes made to information in the table as argued by the applicant, thus teachings are synonymous to applicant's teachings.

### CONCLUSION

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA OMOSEWO whose telephone number is 571-272-2738. The examiner can normally be reached on Tuesday-Thursday from 10.00-6.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OLUBUSOLA OMOSEWO  
Examiner  
Art Unit 2168

KP